

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 480 be amended to read as follows:

- 1 Page 2, after line 42, begin a new paragraph and insert:
2 "SECTION 4. IC 3-9-4-20 IS ADDED TO THE INDIANA CODE
3 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: **Sec. 20. (a) Notwithstanding section 16 of this**
5 **chapter, if a person is notified by the election division that the**
6 **commission may assess a proposed civil penalty under this article**
7 **against the person, the person may enter into an agreement with**
8 **the election division to pay the proposed penalty and waive a**
9 **hearing before the commission otherwise required under section 16**
10 **of this chapter.**
11 **(b) An agreement entered into under this section must:**
12 **(1) provide for the payment of the entire proposed civil**
13 **penalty not later than the date of the execution of the**
14 **agreement; and**
15 **(2) be presented to the commission by the election division for**
16 **ratification at the commission's next regularly scheduled**
17 **meeting.**
18 SECTION 5. IC 3-9-5-6 IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) This subsection applies to a
20 candidate's committee **other than a candidate's committee of a**
21 **candidate for a state office.** Except as otherwise provided in this
22 chapter, each committee, the committee's treasurer, and each candidate
23 shall complete a report required by this chapter current and dated as of
24 the following dates:
25 (1) Twenty-five (25) days before the nomination date.

1 (2) Twenty-five (25) days before the general, municipal, or special
2 election.

3 (3) The annual report filed and dated as required by section 10 of
4 this chapter.

5 (b) This subsection applies to a regular party committee. Except as
6 otherwise provided in this chapter, each committee and the committee's
7 treasurer shall complete a report required by this chapter current and
8 dated as of the following dates:

9 (1) Twenty-five (25) days before a primary election.

10 (2) Twenty-five (25) days before a general, municipal, or special
11 election.

12 (3) The date of the annual report filed and dated as required under
13 section 10 of this chapter.

14 (c) This subsection applies to a legislative caucus committee. Except
15 as otherwise provided in this chapter, each committee and the
16 committee's treasurer shall complete a report required under this chapter
17 current and dated as of the following dates:

18 (1) Twenty-five (25) days before a primary election conducted in
19 an even-numbered year.

20 (2) Twenty-five (25) days before a general election conducted in
21 an even-numbered year.

22 (3) The date of the annual report filed and dated as required under
23 section 10 of this chapter.

24 A legislative caucus committee is not required to file any report
25 concerning the committee's activity during an odd-numbered year other
26 than the annual report filed and dated under section 10 of this chapter.

27 (d) This subsection applies to a political action committee. Except
28 as otherwise provided in this chapter, each committee and the
29 committee's treasurer shall complete a report required by this chapter
30 current and dated as of the following dates:

31 (1) Twenty-five (25) days before a primary election.

32 (2) Twenty-five (25) days before a general, municipal, or special
33 election.

34 (3) The date of the annual report filed and dated as required under
35 section 10 of this chapter.

36 **(e) This subsection applies to a candidate's committee of a**
37 **candidate for a state office. A candidate's committee is not required**
38 **to file a report under section 8.2, 8.4, or 8.5 of this chapter. For a**
39 **year in which an election to the state office is held, the treasurer of**
40 **a candidate's committee shall file the following reports:**

41 **(1) A report covering the period from January 1 through**
42 **March 31 of the year of the report. A report required by this**
43 **subdivision must be filed not later than noon April 15 of the**
44 **year covered by the report.**

45 **(2) A report covering the period from April 1 through June 30**
46 **of the year of the report. A report required by this subdivision**
47 **must be filed not later than noon July 15 of the year covered**

by the report.

(3) A report covering the period from July 1 through September 30 of the year of the report. A report required by this subdivision must be filed not later than noon October 15 of the year covered by the report.

(4) A report covering the period from October 1 of the year of the report through the date that is fifteen (15) days before the date of the election. A report required by this subdivision must be filed not later than noon seven (7) days before the date of the election.

(5) A report covering the period from the date that is fifteen (15) days before the date of the election through December 31 of the year of the report. A report required by this subdivision must:

(A) provide cumulative totals from January 1 through December 31 of the year of the report; and

(B) be filed not later than the deadline specified in section 10 of this chapter.

SECTION 6. IC 3-9-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) This section:

(1) applies to a candidate for nomination to an office in a convention who becomes a candidate less than twenty-five (25) days before the nomination date for a candidate chosen at a convention; and

(2) does not apply to a candidate for nomination to a state office by a major political party at a convention conducted under IC 3-8-4.

(b) A candidate is not required to file a report in accordance with section 6(a)(1) of this chapter. The candidate shall file the candidate's first report not later than noon twenty (20) days after the nomination date for a candidate chosen at a convention.

(c) The reporting period for the first report required for a candidate begins on the date that the individual became a candidate and ends on the day following the adjournment of the convention.

SECTION 7. IC 3-9-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) Except as provided in subsections (b) and (c), in a year in which a candidate is not a candidate for election to an office to which this article applies or does not seek nomination at a caucus or state convention for election to an office to which this article applies, the treasurer of the candidate's committee shall file only the report required by section 10 of this chapter.

(b) This subsection applies to a candidate who holds one (1) office and is a candidate for a different office (or has filed a statement of organization for an exploratory committee without indicating that the individual is a candidate for a specific office). The treasurer of the candidate's committee for the office the candidate holds shall file the following reports:

(1) If the committee spends, transfers in, or transfers out at least ten thousand dollars (\$10,000) from January 1 until twenty-five (25) days before the primary election, the treasurer shall file a preprimary report under section 6 of this chapter.

(2) If the committee spends, transfers in, or transfers out at least ten thousand dollars (\$10,000) from twenty-five (25) days before the primary election until twenty-five (25) days before the general election, the treasurer shall file a pregeneral election report under section 6 of this chapter.

(3) The report required under section 10 of this chapter.

(c) This subsection applies to a candidate who is required to file a preprimary report or preconvention report under section 6 of this chapter and who:

(1) is defeated at the primary election or convention; or

(2) withdraws or is disqualified as a candidate before the general election.

The treasurer of a candidate's committee described by this subsection is not required to file a pregeneral election report under section 6 of this chapter but shall file the report required by section 10 of this chapter.

(d) This subsection applies to a candidate for election to a city office or a town office. If a municipal primary is not conducted in the municipality by one (1) or more parties authorized to conduct a primary, the candidate must file a report in accordance with the schedule set forth in section 6 of this chapter as if the primary were conducted. If a municipal election is not conducted in the municipality, the candidate must file a report in accordance with section 6 of this chapter as if the municipal election were conducted.

(e) This subsection applies to a candidate's committee of a candidate for a state office. For a year in which an election to the state office is not held, the treasurer of a candidate's committee shall file the following reports in addition to any other report required by this article:

(1) A report covering the period from January 1 through June 30 of the year of the report. A report required by this subdivision must be filed not later than noon July 15 of the year covered by the report.

(2) A report covering the period from July 1 through December 31 of the year of the report. A report required by this subdivision must:

(A) provide cumulative totals from January 1 through December 31 of the year of the report; and

(B) be filed by the deadline specified in section 10 of this chapter.

SECTION 8. IC 3-9-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. **(a)** The treasurer of each committee shall file a report each year that is complete as of December 31 of the previous year and covers the period since the last

report. This annual report is due by noon:

(1) the third Wednesday in January, in the case of:

(A) a candidate's committee;

(B) a legislative caucus committee; or

(C) a political action committee; or

(2) March 1, in the case of a regular party committee.

(b) A candidate's committee of a candidate for a state office that files a report:

(1) under section 6(e)(5) or 9(e)(2) of this chapter; and

(2) by the deadline specified under subsection (a) for filing a candidate's committee report;

is not required to file an additional report under this section.

SECTION 9. IC 3-9-5-20.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 20.1. (a) This section:

(1) applies only to a large contribution that is received by a candidate, the candidate's committee, or the treasurer of the candidate's committee; and

(2) does not apply to a candidate for a state office, the candidate's committee, or the treasurer of the candidate's committee.

(b) As used in this section, "election" refers to any of the following:

(1) A primary election.

(2) A general election.

(3) A municipal election.

(4) A special election.

(5) For candidates nominated at a state convention, the state convention.

(c) As used in this section, "large contribution" means contributions:

(1) that total at least one thousand dollars (\$1,000); and

(2) that are received:

(A) not more than twenty-five (25) days before an election; and

(B) not less than forty-eight (48) hours before an election.

(d) The treasurer of a candidate's committee shall file a supplemental large contribution report with the election division or a county election board not later than forty-eight (48) hours after the contribution is received. A candidate for a legislative office shall file a report required by this section with the election division and the county election board as required by section 3 of this chapter. A report filed under this section may be filed by facsimile (fax) transmission.

(e) A report required by subsection (d) must contain the following information for each large contribution:

(1) The name of the person making the contribution.

(2) The address of the person making the contribution.

(3) If the person making the contribution is an individual, the individual's occupation.

(4) The total amount of the contribution.

(5) The dates and times the contributions making up the large contribution were received by the treasurer, the candidate, or the candidate's committee.

(f) The commission shall prescribe the form for the report required by this section.

SECTION 10. IC 3-9-5-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 22. This section applies only to a large contribution that is received by a candidate for a state office, the candidate's committee, or the treasurer of the candidate's committee.**

(b) As used in this section, "election" refers to any of the following:

(1) For a candidate nominated at a primary election, the primary election.

(2) For a candidate nominated at a state convention, the state convention.

(3) A general election.

(c) As used in this section, "large contribution" means either of the following:

(1) Contributions:

(A) that total at least one thousand dollars (\$1,000); and

(B) that are received:

(i) after the end of a reporting period and before the deadline for the candidate's committee to file a report under section 6 of this chapter; and

(ii) not less than forty-eight (48) hours before an election.

(2) A single contribution that is at least ten thousand dollars (\$10,000) that is received at any time.

(d) The treasurer of a candidate's committee shall file a supplemental large contribution report with the election division not later than:

(1) forty-eight (48) hours after a contribution described by subsection (c)(1) is received; or

(2) noon seven (7) days after a contribution described by subsection (c)(2) is received.

(e) A report filed under this section may be filed by facsimile transmission or as an electronic report when the requirements of IC 3-9-4 or this chapter have been met. A report required by subsection (d) must contain the following information for each large contribution:

(1) The name of the person making the contribution.

(2) The address of the person making the contribution.

(3) If the person making the contribution is an individual, the individual's occupation.

(4) The total amount of the contribution.

(5) The dates and times the contributions making up the large contribution described in subsection (c)(1) or a large contribution described in subsection (c)(2) were received by the treasurer, the candidate, or the candidate's committee.

(f) The commission shall prescribe the form for the report required by this section.

SECTION 11. IC 3-9-5-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 23. (a) This section does not apply to the following:

(1) A corporation or labor organization engaging in a good faith business or charitable activity other than making a contribution or an expenditure to influence an election for a state office.

(2) A political action committee.

(b) A corporation or labor organization that makes a contribution or expenditure must file a report with the election division.

(c) The report filed under this section must be:

(1) in the form prescribed under section 14 of this chapter; and

(2) be filed not later than the deadline for a candidate's committee for a candidate for a state office to file a report required under this chapter.

(d) If a corporation or labor organization files a report, or would have been required to file a report under this section, the corporation or labor organization is required to file additional reports not later than the deadlines for a candidate's committee for a candidate for a state office to file reports under this chapter.

(e) A corporation or labor organization that fails to comply with this section may be assessed a civil penalty by the election commission under IC 3-9-4 in the same manner that the commission may assess a civil penalty against a committee that fails to:

(1) file a report; or

(2) correct a defective report;

not later than the deadline for the report to be filed or corrected under Indiana law."

Page 23, between lines 1 and 2, begin a new paragraph and insert: "SECTION 49. [EFFECTIVE UPON PASSAGE] (a) IC 3-9-4-20, as added by this act, applies to a committee that has been notified by the election division of a proposed civil penalty under IC 3-9 before January 1, 2006.

(b) This SECTION expires January 1, 2006.

SECTION 50. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 3-5-2 apply throughout this SECTION.

1 **(b) A county voter registration office may provide original**
 2 **copies of the county's voter registration applications and other**
 3 **voter registration records to:**

4 **(1) the state; or**

5 **(2) an entity acting as the state's agent under a contract**
 6 **between the entity and the state;**

7 **for the purpose of optically scanning information set forth on the**
 8 **applications and records so that this information can be included**
 9 **in the statewide voter registration computerized list to be**
 10 **established under IC 3-7-26.3.**

11 **(c) If a county voter registration office provides original copies**
 12 **to the state under this SECTION, the state and the state's agent**
 13 **shall take all necessary and prudent steps to safeguard and**
 14 **preserve the county records during the time the state or the state's**
 15 **agent has custody of these records. The state or the state's agent**
 16 **shall promptly return the original records to the county voter**
 17 **registration office upon completing the optical scanning described**
 18 **in subsection (b).**

19 **(d) If a county voter registration office provides original records**
 20 **to the state or the state's agent under this SECTION, the county,**
 21 **the county voter registration office, the circuit court clerk, each**
 22 **member of the county board of registration, and each employee of**
 23 **the county voter registration office are not liable, in either an**
 24 **official or individual capacity for any loss or damage that occurs to**
 25 **the county voter registration records during the time the state or**
 26 **the state's agent have custody of these records. The state's agent**
 27 **must assume full liability for any loss or damage to these records**
 28 **before taking custody of these records from the county voter**
 29 **registration office.**

30 **(e) This SECTION expires March 31, 2006."**

31 Renumber all SECTIONS consecutively.

(Reference is to ESB 480 as printed April 5, 2005.)

Representative Richardson